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12 *Attorney for Petitioner Charles Smith

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA
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16 Charles Smith,

17 Petitioner,

18 v.

19 Brian Williams, *et al.*,

20 Respondents.
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Case No. 2:20-cv-01781-RFB-VCF

**Unopposed Motion for extension of
time to file First Amended Petition
(First Request)**

POINTS AND AUTHORITIES

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2 1. On January 11, 2021, this Court granted Smith's motion for
3 appointment of counsel. ECF No. 7. On February 1, 2021, undersigned counsel filed
4 his notice of appearance. ECF No. 11. On February 8, 2021, this Court issued a
5 scheduling order directing Smith to file an amended petition within 45 days, making
6 the current due date March 25, 2021. ECF No. 12.

7 2. Counsel for Smith requests a first extension of time of 61 days to file the
8 amended petition to Tuesday, May 25, 2021. Counsel has begun working on the case.
9 He has spoken with Mr. Smith on three separate occasions and has begun to review
10 the record. However, counsel's workload and managerial responsibilities have
11 prevented him from meeting the current deadline.

12 3. Over the past 45 days, counsel has had to prioritize drafting and
13 reviewing two amended petitions in federal court, five cert. petitions in the United
14 States Supreme Court, and two Nevada Supreme Court opening briefs. Counsel has
15 also had to focus on preparing for an appearance before the Nevada Board of Pardons
16 on March 22, 2021. Further complicating counsel's ability to finish the response by
17 the current deadline has been the numerous administrative and managerial
18 responsibilities related to his position as Chief of the Non-Capital Habeas Unit.
19 Primarily, a new attorney started with the unit in February, which has required a
20 great deal of training and oversight. In addition, counsel has had to actively
21 participate in developing the office's reopening plan.

22 4. For these reasons, counsel is requesting an additional 61 days to file the
23 petition.

24 5. On March 24, 2021, counsel for respondents, Deputy Attorney General
25 Sheryl Serreze, indicated by email respondents do not oppose this request with the
26 understanding that the lack of objection is not to be considered a waiver or concession of
27 any kind.

1 6. This motion is not filed for the purpose of delay, but in the interests of
2 justice, as well as in the interest of Smith. Counsel for Petitioner respectfully requests
3 that this Court grant this motion and order Petitioner to file the amended petition
4 no later than May 25, 2021.

5 Dated March 24, 2021.

6 Respectfully submitted,

7 Rene L. Valladares
8 Federal Public Defender

9 /s/ Jonathan M. Kirshbaum
10 Jonathan M. Kirshbaum
11 Assistant Federal Public Defender

12 IT IS SO ORDERED:

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15 _____
16 **RICHARD E. BOULWARE, II**
17 **United States District Court**

18 DATED this 26th day of March, 2021.
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